IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 21008 of 2004

Between:

Sri Lakshminaryana Manure Depot rep by Proprietor Podugu Janardhanarao S/o Late Venkataramana, agd 65 years,
Fertilizers business, R/o Door No. 7-2-120 Dabala Street,

Amadalavalasa town and Mandal, Srikakulam District

..... PETITIONER

AND

The Joint Collector, Srikakulam Srikakulam District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Order or direction more particularly a Writ in the nature of Writ of mandamus declaring the proceedings S.R. No. 21/2004 S.I. dated 19-10-2004 as illegal and consequently direct the respondent to release the stocks mentioned in the seizer report dated
22-6-2004 and show Cause Notice.

Counsel for the Petitioner: MR.A.RAVI SHANKAR

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

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ORDER:

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The petitioner claims to be a licensed dealer dealing in fertilizers. He states that on 22.06.2004 the Fertilizers Inspector, Srikakulam inspected his shop and seized the stocks available on the ground that he has been selling the fertilizers in violation of Clause 28(1)(d) of the Fertilizer Control Order, 1985. In pursuance of the seizure report of the Fertilizers Inspector, Srikakulam, the respondent/Joint Collector, Srikakulam issued a show cause notice dated 19-10-2004 calling upon the petitioner as to why the seized stock should not be confiscated under Section 6-A of the Essential Commodities Act, 1955.

2. The petitioner contends that the irregularities as alleged in the show-cause notice are all false and baseless and the impugned seizure as well as the confiscation proceedings are arbitrary and illegal. Hence, this writ petition seeking a direction to the respondent

– Joint Collector to release the seized stock.

3. Admittedly, enquiry under Section 6-A of the Essential Commodities Act, is pending and it is for the respondent to enquire into the allegations and to record a finding as to the correctness of the same. It is always open to the petitioner to submit his explanation denying the allegations made and also to place the relevant material before the respondent to substantiate his version. Hence, I am not inclined to express any opinion on merits. However, having regard to facts and circumstances of the case, the writ petition is disposed of with a direction to the respondent to complete the enquiry initiated under Section 6-A of the Essential Commodities Act, 1955, as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. Till such time, the stocks seized shall not be sold.

4. The Writ petition is accordingly disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Joint Collector,

Srikakulam, Srikakulam District

2. Two CCs to the Government Pleader

for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

3. Two CD copies.